

SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Agenda Number:
Prepared on: 1/23/02
Department Name: CA
Department No.: 012
Agenda Date: 2/5/02
Placement: Administrative
Estimate Time: NA
Continued Item: NO
If Yes, date from:

TO: Board of Supervisors

FROM: Michael F. Brown, County Administrator

STAFF CONTACT: James Laponis, Deputy County Administrator
X-3400

SUBJECT: City of Goleta Membership on Air Pollution Control District Board of Directors

Recommendation(s):

That the Board of Supervisors:

Approve and execute an agreement between the County of Santa Barbara and the incorporated cities in the County adding the City of Goleta to the Santa Barbara County Air Pollution Control District (APCD) Board of Directors.

Alignment with Board Strategic Plan:

The recommendation is primarily aligned with Goal No. 1. An Efficient Government Able to Respond Effectively to the Needs of the Community.

Executive Summary and Discussion:

In December of 1994, the County of Santa Barbara and the seven incorporated cities within the County entered into an agreement establishing the current composition of the APCD Board of Directors. This agreement provides for 7 city seats and 5 seats for the members of the Board of Supervisors for a total of twelve Board members. Health and Safety Code § 40100.5, authorizes the adoption of this agreement.

The underlying assumption of this agreement is that all of the incorporated cities in the County have a seat on the APCD Board along with the five members of the Board of Supervisors. The County and the cities must determine jointly the number of members and the composition of the APCD Board. The County and all of the incorporated cities unanimously approved the original agreement.

The creation of the new City of Goleta on November 6, 2001 increases the number of cities in the County to eight as of February 1, 2002. The Air Pollution Control District has requested that the County and the Cities of Carpinteria, Santa Barbara, Solvang, Buellton, Lompoc, Santa Maria, Guadalupe and Goleta amend the 1994 agreement by authorizing the addition of a thirteenth seat on the APCD Board for the City of Goleta.

For this amendment to become effective, the County and a majority of cities constituting a majority of the incorporated population of the County must agree to the modified agreement (Attachment 1). The APCD Board itself has no formal say in the determination of APCD Board membership as the statute assigns that responsibility to the cities and the County. Nonetheless, at its December 2001 meeting, the APCD Board unanimously recommended that the County and the cities amend the agreement adding an additional seat for the City of Goleta.

As stated above, the current structure was intended to provide for membership on the APCD Board for every city within the County as well as for all five members of the Board. The County and the cities may wish to continue this practice. Alternatively, the County and cities may wish to consider a different membership composition. Options related to the composition of the APCD Board that deviate from the current structure are addressed in Health and Safety Code § 40100.5 (Attachment 2).

The next regularly scheduled meeting of the APCD Board is set for Thursday February 21, 2002. Should a majority of the cities constituting a majority of the incorporated population of the County and your Board approve this amended agreement, the City of Goleta will be eligible to participate shortly after the new City Council takes office in early February.

Mandates and Service Levels:

An agreement between the County and the cities constituting a majority of the incorporated population of the County is mandated to determine the composition of the APCD Board of Directors.

Fiscal and Facilities Impacts:

Funding for the APCD is provided for as enumerated in Health and Safety Code § 40701.5. The approval of this amended agreement is not expected to have a fiscal impact on the County.

Special Instructions:

Direct the Clerk of the Board to forward the executed agreement to the Air Pollution Control District.

Concurrence:

NA

ATTACHMENT 1

AGREEMENT OF THE COUNTY OF SANTA BARBARA AND CITIES
OF BUELLTON, CARPINTERIA, GOLETA, GUADALUPE, LOMPOC, SANTA BARBARA,
SANTA MARIA AND SOLVANG

THIS AGREEMENT is made by and among the incorporated cities of Buellton, Carpinteria, Goleta, Guadalupe, Lompoc, Santa Barbara, Santa Maria and Solvang, all being municipal corporations of the State of California within the County of Santa Barbara, and the County of Santa Barbara, a body politic and corporate and subdivision of the State of California.

WHEREAS, the Santa Barbara County Air Pollution Control District (“District”) is a county air pollution control district as defined by Health and Safety Code section 39022;

WHEREAS, as of July 1, 1994, the Hauser Bill (AB 75, Health and Safety Code § 40100) requires that the Governing Board of the District be comprised of one or more members who are mayors, city council members, or both, and one or more members who are county supervisors;

WHEREAS, Health and Safety Code § 40100 (b) authorizes the County and a majority of the cities with a majority of the population in the incorporated area of the County to agree on the number and composition of the members of the Governing Board of the District;

WHEREAS, the County Board of Supervisors representing the County and the City Councils of each city representing the cities have agreed that the Governing Board of the District shall consist of thirteen members, five of whom shall be County Board of Supervisors and eight of whom shall be city council members or mayors or both; and

WHEREAS, this agreement hereby memorializes the agreement reached between the County and the cities.

NOW, THEREFORE IT IS HEREBY AGREED that:

1. There shall be five (5) members of the County Board of Supervisors who shall serve as members of the Governing Board of the District for a term concurrent with the term as County Supervisor;
2. There shall be eight (8) members who are mayors or city council members or both who shall serve as members of the Governing Board, with one member being chosen from each of the eight incorporated cities in the County.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, and the City Councils of Buellton, Carpinteria, Goleta, Guadalupe, Lompoc, Santa Barbara, Santa Maria, Solvang and Goleta, all of the State of California, on the dates indicated below.

THIS AGREEMENT MAY BE SIGNED IN COUNTERPARTS.

ATTEST:
CLERK OF THE BOARD

Chair, Board of Supervisors
County of Santa Barbara

By _____
Deputy

APPROVED AS TO FORM:

STEPHEN SHANE STARK
SANTA BARBARA COUNTY COUNSEL

By _____
Deputy County Counsel